

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JIBRIL L. IBRAHIM,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 99-197-P-C
)	
UNITED STATES OF AMERICA,)	
)	
Defendant)	

Recommended Decision

Presently before the Court are Plaintiff's Motion to Proceed *In Forma Pauperis* and Plaintiff's Complaint apparently brought pursuant to 42 U.S.C. §1983. The Court recommends that Plaintiff's Motion to Proceed *In Forma Pauperis* be DENIED because Plaintiff failed to file the requisite certificate with his motion delineating his assets during the six month period prior to filing this Complaint. 28 U.S.C. §1915(a)(2). Further, even if the Court granted Plaintiff's Motion to Proceed *In Forma Pauperis*, Plaintiff's Complaint is frivolous pursuant to 28 U.S.C. §1915(e)(2)(B)(i).

In his Complaint Plaintiff, a prison inmate at a facility in Virginia, alleges that Defendant, through its appointed officials and agents, deprived him of his constitutional rights under the First, Fifth, Sixth, Eighth and Fourteenth Amendments. In support of this assertion, Plaintiff describes how federal judges,

clerks and other court officials conspired against him by issuing decisions against him.

It is initially noted that Plaintiff is no novice to the court system. As early as 1993 one Court remarked, “Mr. Ibrahim, a prisoner in the District of Columbia penal system, is a serial litigant who has filed over a dozen cases in this jurisdiction alone, within the last two years.” *Ibrahim v. District of Columbia, Ibrahim v. U.S. Court for the Western District of Texas*, Nos. CIV A. 93-0002, 93-0060, 1993 WL 30814 (D.D.C. Jan 29, 1993). Nevertheless, this is the first time this Court has received a complaint from the Plaintiff. For the reasons stated below, the Court recommends that the Complaint be dismissed as frivolous.

First, the Court is satisfied, after reviewing the Complaint, that Plaintiff’s allegations that Court officials conspired against him lack any factual basis.

Second, the Court is also satisfied that Plaintiff is merely attempting to relitigate cases decided against him in the United States Court of District of Columbia, the United States Court of Appeals, District of Columbia Circuit, the United States District Court for the Western District of Virginia and the United States Court of Appeals, Fourth Circuit.¹ The Court cites the following passage because of its

¹ Defendant also maintains that the clerk’s office at the United States District Court for the District of Maryland acted unconstitutionally by not allowing Plaintiff’s habeas corpus petition to move forward in that Court even though the Court charged him a five dollar filing fee.

particular pertinence in this matter:

The second action, *Ibrahim v. United States District Court for the Western District of Texas, et al.*, is the latest in a series of frivolous actions filed by the Plaintiff. The instant action is no more than Mr. Ibrahim's attempt to relitigate cases which have been decided by two United States District Courts in Texas. Mr. Ibrahim attempts to circumvent the doctrine of res judicata by naming the deciding Courts as additional defendants. In fact it is his assertion that these matters were decided against him because the Courts conspired with the named defendants. No factual allegations in the complaint support the allegation of conspiracy. The facts only support the notion that the Judges in each of those cases diligently worked on his complaints and decided them against him. Therefore, it is clear that the instant complaint bears no merit and is frivolous within the meaning of 28 U.S.C. §1915(d) [now 28 U.S.C. §1915(e)(2)(B)(i)].

Id.

Likewise, even if the court were to grant Plaintiff's Motion to Proceed *In Forma Paupers*, Plaintiff's Complaint is frivolous under 28 U.S.C.

§1915(e)(2)(B)(i). Accordingly, I recommend that this action be DISMISSED.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Eugene W. Beaulieu
United States Magistrate Judge

Dated on July 12, 1999